

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RODNEY HARGROVE, *et al.*,

Plaintiffs,

v.

CITY OF PHILADELPHIA, *et al.*,

Defendants.

CIVIL ACTION

NO. 21-4082

ORDER

AND NOW, this 3rd day of May 2023, upon consideration of Defendants' Third Motion to Dismiss (ECF 29), Plaintiffs' Response (ECF 30), Defendants' Reply (ECF 31), and after a hearing on the record (ECF 38), it is hereby **ORDERED** that Defendants' Motion (ECF 29) is **GRANTED IN PART** and **DENIED IN PART**:

1. All Claims Against Defendant Dion Jones, the Individual Defendants in their Official Capacities and Count III are **WITHDRAWN AND DISMISSED WITH PREJUDICE**.
2. Count II is **DISMISSED WITH PREJUDICE**.
3. Defendants' Failure to Train Theory of *Monell* Liability in Count IV is **DISMISSED WITH PREJUDICE**.
4. The Motion is **DENIED** with respect to Count I, Count IV's *Monell* Claim Based on a Policy or Custom, Count V and VI.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.